

**From:** Verna Harrison <VHarrison@campbellfoundation.org>  
**Sent:** Wednesday, March 20, 2013 11:10 AM  
**To:** Corbin, Jeffrey  
**Subject:** stakeholder meeting on Friday

are you coming?

Verna Harrison  
Executive Director  
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For the Environment  
[vharrison@campbellfoundation.org](mailto:vharrison@campbellfoundation.org)  
O 410.990.0900  
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**From:** Corbin, Jeffrey  
**Sent:** Monday, March 25, 2013 8:27 AM  
**To:** Verna Harrison  
**Subject:** RE: stakeholder meeting on Friday

Verna – Not certain how long you were at the meeting on Friday...but do think they are back on the right track? Costello seemed to be saying the right things.

Thanks...jc

Jeff Corbin  
Senior Advisor - Chesapeake Bay & Anacostia River  
U.S. Environmental Protection Agency  
215-667-9304

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**From:** Verna Harrison [mailto:VHarrison@campbellfoundation.org]  
**Sent:** Wednesday, March 20, 2013 3:27 PM  
**To:** Corbin, Jeffrey  
**Subject:** RE: stakeholder meeting on Friday

Jeff – thanks for the reply.

I just don't get what they are doing. However, am very clear that the time talking about this at the Stakeholder meeting is very confusing to the builders, STP operators, county guys and ag guys. Compounds the impression that EPA and MDE are a little nuts.

Problem for most of us is that by wasting the time, the environmental guys will have less say as MDE will disappear into their black box and claim that they could not get agreement. Won't say that they hindered it with BS

Witness the 6 months of talking they did last year – delivered 3 different versions of regs – each one progressively weaker from an environmental standpoint. Only – and I mean only – one of the environmental points they accepted was to include P as a component (They only put this in the last draft because you went and talked to Bob.) Now to be messing around with it again.??

I can only determine that either David and Brigid are stupid or trying to do something environmentally unhelpful. Frankly, I don't think they are stupid.

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**From:** Corbin, Jeffrey [mailto:corbin.jeffrey@epa.gov]  
**Sent:** Wednesday, March 20, 2013 3:13 PM  
**To:** Verna Harrison  
**Subject:** RE: stakeholder meeting on Friday

Our position has been, and still is, from both the technical and legal perspective, that since the TMDL allocations are caps, that any new source of N, P and sediment must be offset.

I am a bit confused as well by the myriad of options.

My main point of confusion though is this – I believe (my understanding as well as others at EPA) is that when they talk about only offsetting N, that is because they presume that the practices put in place will also achieve the full P offset.

Not that P doesn't need to be offset, but that the methodology should be based on N, which I guess they are considering the limiting nutrient.

Of the 4 alternatives they submitted, 3 of them say "address N and P loads everywhere in the state." The only one that doesn't is Alternative A that says "An additional level of assurance could be provided if the developer were required to demonstrate that the BMPs...are at least as effective at removing P as N." So doesn't this essentially mean that they are offsetting N and P everywhere?

jc

Jeff Corbin  
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**From:** Verna Harrison [<mailto:VHarrison@campbellfoundation.org>]  
**Sent:** Wednesday, March 20, 2013 1:42 PM  
**To:** Corbin, Jeffrey  
**Subject:** RE: stakeholder meeting on Friday

Dear Jeff

So glad to hear that you are coming but wish that you would be there for the beginning --am really hoping that you can help reduce the time wasted on this discussion. Maybe just clarify that EPA expects that P will be included in a trading/offset program as part of the WIP process?

One of the major problems we have right now is that David Costello and Brigid Kennedy of MDE continue to drive the train. I am surprised and a little disappointed with George's facilitation.

Last month's meeting was a disaster (from the comments of all sectors) due to the extended discussion on P. George said that he had been taken by surprise by their remarks as they had specifically told his assistant, Kate, that they were going to go with the position that they had finally accepted in the last version of the 2012 draft regulations – that P would be included.

Last week he told me that, again, Costello had agreed to drop the P issue --- then I see that there is a 3 page memo attached to the 3/22 agenda which proffers 4 complicated scenarios for dealing with it. Additionally, it appears to dominate the first part of the agenda.

Erik tells me that his conversations with the builders indicate that they can be on board with P -- just need to understand what the different practices are that would need to be employed and when.

Therefore, my plea for help! We will never get through all the issues re trading and offsets at this rate. However, word on the street is that Costello is saying that the Stakeholder process won't amount to anything and they will take over again this summer. (so am I surprised?)

Had strategy call/meeting this am with the enviro that are on the stakeholder group: (Alison Prost, Josh Tulkin - Sierra; Erik Michelson - South River Federation.) Dru Schmidt Perkins could not attend. Bob Gallagher (Pres. Board of West/Rhode Riverkeeper) and Shana Jones (was with the Center for Progressive Reform and now with Wm and Mary) were also involved.

They are going to send a letter around to see if they can get consensus to get back to the original intent of the process - discussion driven by the Stakeholders and not MDE. They will recommend 4 areas that should be the subject of collaborative discussion between meetings.

I left the call with some optimism, the enviros are finally starting to get into the weeds of this in a constructive way.

So, to conclude, whatever you can do to clarify EPA expectations would be great.

Thanks, Verna

-----Original Message-----

From: Corbin, Jeffrey [<mailto:corbin.jeffrey@epa.gov>]

Sent: Wednesday, March 20, 2013 12:04 PM

To: Verna Harrison  
Subject: RE: stakeholder meeting on Friday

That's the plan. I have a meeting in DC that I must attend that I am planning to scoot out of by 11:30 (noon at the latest). So I may not make the 12:30 start.

jc

Jeff Corbin  
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-----Original Message-----

From: Verna Harrison [<mailto:VHarrison@campbellfoundation.org>]  
Sent: Wednesday, March 20, 2013 11:10 AM  
To: Corbin, Jeffrey  
Subject: stakeholder meeting on Friday

are you coming?

Verna Harrison  
Executive Director  
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**From:** Verna Harrison <VHarrison@campbellfoundation.org>  
**Sent:** Tuesday, March 26, 2013 6:19 PM  
**To:** DiPasquale, Nicholas  
**Cc:** Corbin, Jeffrey  
**Subject:** (b) (4)  
**Attachments:** draft white paper 031413.docx

(b) (4)

**From:** Verna Harrison <VHarrison@campbellfoundation.org>  
**Sent:** Tuesday, March 26, 2013 6:22 PM  
**To:** Karen Capiella; Julie Hester  
**Cc:** (b) (6); Hye Yeong Kwon; Dave Hirschman; Bill Stack; Lindey Brown  
**Subject:** RE: (b) (4)

(b) (4)

Thanks to all of the folks that worked so hard to develop the material and the recommendations.

Best, Verna

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**From:** Karen Capiella [<mailto:kc@cwpc.org>]  
**Sent:** Thursday, March 14, 2013 10:56 AM  
**To:** Verna Harrison; Julie Hester  
**Cc:** (b) (6); Hye Yeong Kwon; Dave Hirschman; Bill Stack; Lindey Brown  
**Subject:** (b) (4)

Hi Verna,

(b) (4)

I believe EPA has now postponed their memo until summer, by the way. Thank you for the opportunity to work on this important topic.

Best,  
Karen

**From:** Corbin, Jeffrey  
**Sent:** Wednesday, May 15, 2013 4:17 PM  
**To:** Verna Harrison  
**Cc:** Kim Coble - ext. 2166; Beth McGee - ext. 2157; Ann P. Swanson; Joseph Maroon; Roy Hoagland; Peter Marx; Hillary Harp Falk  
**Subject:** RE: Need your quick input - Trading Hearing

My position is also that no federal action is needed at this...but when members hold a hearing on a specific issue, it's usually because they want to take some action. We'll see where this goes...

jc

Jeff Corbin  
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**From:** Verna Harrison [<mailto:VHarrison@campbellfoundation.org>]  
**Sent:** Wednesday, May 15, 2013 1:48 PM  
**To:** Corbin, Jeffrey  
**Cc:** Kim Coble - ext. 2166; Beth McGee - ext. 2157; Ann P. Swanson; Joseph Maroon; Roy Hoagland; Peter Marx; Hillary Harp Falk  
**Subject:** Re: Need your quick input - Trading Hearing

I COMPLETELY AGREE WITH HILARY.

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C (b) (6)

On May 15, 2013, at 12:05 PM, "Hilary Falk" <[FalkH@nwf.org](mailto:FalkH@nwf.org)> wrote:

Jeff,  
Thanks for the heads up. Here are some thoughts.

The last couple of times that I have met with Royce (Cardin's LA) my message has been that EPA is working through issues related to trading and at this point Congressional action isn't needed. When we met with Royce I went over the schedule for the technical MOUs, and was with Maryland Coalition members who spoke credibly about the Maryland state process on developing an offsets (and likely a trading) program.

As you know, one of my goals in life is to prevent World War III on this issue. I understand that Senator Cardin sees potential benefit in trading. That all being said: I think it is important for the Chesapeake



Bay states and EPA to have the time to work through the development of and concerns about trading programs. I also think that the Coalition's trading principles state the bottom line: Use of nutrient trading in the region must ensure that water quality is protected or improved especially as more nonpoint and nontraditional sources are included.

Thanks for the opportunity to provide input and your continued work on the issue. Please let me know if there are ways we can help.

Best,  
Hilary

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**From:** Corbin, Jeffrey [<mailto:corbin.jeffrey@epa.gov>]

**Sent:** Tuesday, May 14, 2013 9:29 PM

**To:** Kim Coble - ext. 2166; Beth McGee - ext. 2157; Ann P. Swanson; Joseph Maroon; Roy Hoagland; Hilary Falk; Peter Marx; 'Verna Harrison'

**Subject:** Need your quick input - Trading Hearing

**Importance:** High

Senate EPW Subcommittee (Cardin) is likely to hold a hearing soon – very soon (like next week maybe) – on trading. It will be a broad discussion, a national focus, but given the Senator's interest he will be interested in the Bay. The primary issues are 1) how Congress can facilitate trading as a practical option; and 2) identifying/discussing current challenges, obstacles, etc. I would very much like your input on what we should steer Congress toward doing that would actually help our efforts. I do not want Congress directing us to do a labor intensive study of stuff that we already know

Please don't expand this discussion group much.

Clearly, your input is needed quickly.

Thanks...jc

Jeff Corbin  
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**From:** Corbin, Jeffrey  
**Sent:** Thursday, May 30, 2013 4:30 PM  
**To:** 'Verna Harrison'  
**Cc:** Winters, Julie  
**Subject:** What do want to hear from Me at the Funders Briefing?

**Importance:** High

Hey Verna...I hope you are doing well.

Jim Edward and I are supposed to spend 25 mins or so with the Funders Group next week while in Balt. After a few exchanges Julie had with Amy I still a little unclear as to what you want to hear from us. Jim is putting together ppt slides...that is not how I have interacted with you all in the past and I want to make sure we have a good constructive discussion. Right now the agenda says 1) Progress on the WIPs, 2) Accountability (which Amy changed in a later email to "Water Quality Response Reporting", and 3) Update on Bay Agreement. #3 is pretty clear, but I want to make sure we talk about what you really want to hear regarding #1 and 2. Can you shed a little light? I'd be happy to jump on the phone.

Thanks...jc

Jeff Corbin  
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**From:** Verna Harrison <VHarrison@campbellfoundation.org>  
**Sent:** Friday, May 31, 2013 10:53 AM  
**To:** Corbin, Jeffrey  
**Cc:** Edward, James; Winters, Julie  
**Subject:** Re: What do want to hear from Me at the Funders Briefing?

Wanted to hear jim's presentation this am at CAC before responding. I think that he will tighten up his remarks but they basically hit the first item. The second really relates more to a discussion about how the bay program can relate real world monitoring info to the model reports. Possibly this could tie into the new bay agreement and how it will improve our analysis of progress or lack thereof - on a river scale. I will be in the car around 1:00 if you have time to talk. Thanks. V

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On May 30, 2013, at 4:29 PM, "Corbin, Jeffrey" <[corbin.jeffrey@epa.gov](mailto:corbin.jeffrey@epa.gov)> wrote:

Hey Verna...I hope you are doing well.

Jim Edward and I are supposed to spend 25 mins or so with the Funders Group next week while in Balt. After a few exchanges Julie had with Amy I still a little unclear as to what you want to hear from us. Jim is putting together ppt slides...that is not how I have interacted with you all in the past and I want to make sure we have a good constructive discussion. Right now the agenda says 1) Progress on the WIPs, 2) Accountability (which Amy changed in a later email to "Water Quality Response Reporting", and 3) Update on Bay Agreement. #3 is pretty clear, but I want to make sure we talk about what you really want to hear regarding #1 and 2. Can you shed a little light? I'd be happy to jump on the phone.

Thanks...jc

[Jeff Corbin](#)  
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**From:** Verna Harrison <VHarrison@campbellfoundation.org>  
**Sent:** Wednesday, June 26, 2013 2:43 PM  
**To:** Corbin, Jeffrey  
**Cc:** Robert Gallagher; Erik Michelsen; George Chmael  
**Subject:** Re: Had to get off the call today at 11:15

Verna Harrison  
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On Jun 25, 2013, at 11:15 AM, "Jones, Shana" <[scjones@wm.edu](mailto:scjones@wm.edu)> wrote:

> I've sent Erik the most recent chart. It's also attached. Please let me know if you want to bolster anything or make certain elements clear. Thanks!

> Shana

> <Certification and Verification 062513.docx>

**From:** Corbin, Jeffrey  
**Sent:** Wednesday, June 26, 2013 11:38 AM  
**To:** Verna Harrison; DiPasquale, Nicholas  
**Subject:** RE: bion bill moving

Issues with state legislation puts EPA in pickle as we do not comment/testify on state legislation. We also don't endorse specific technologies. The letter that Ed Schafer wrote to the paper says that EPA endorses the "program" in the bill – and I have no idea what that means. I have told Harry that as well. Schafer, Dominic Basani and others have been to EPA and met with Perciasepe, me, OW leadership and others, in several visits...so they are working this issue as you might expect. There appears to have been some confusion from Bion as to how BMPs are reviewed/accounted, but they now understand the process as Bion reps spoke with Mark Dubin recently. The technology Bion employs is not currently on the list of Partnership-approved BMPs, but a panel study of manure technologies is scheduled for this fall – Bion's technology could potentially be part of that review. I told Harry that although his letter to the PA state senate was technically accurate (the technology is not CURRENTLY approved), one could interpret it as that the Bion technology would NEVER be approved by the Partnership – and that is not accurate. Anyone can ask for any BMP to be reviewed. His statement in the letter was also based on some comments made at a recent Trading & Offsets workgroup meeting (we think)...and it's probably not the best of protocol to take workgroup discussions and pass them on to legislative bodies as an EPA position.

Anyway, our agency options are limited here. Sounds like it may not pass the House anyway.

Has the Bay Commission weighed in? We could probably educate Senator Brubaker if asked.

jc

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**From:** Verna Harrison [mailto:VHarrison@campbellfoundation.org]  
**Sent:** Wednesday, June 26, 2013 11:06 AM  
**To:** DiPasquale, Nicholas; Corbin, Jeffrey  
**Subject:** FW: bion bill moving

Fyi - any thoughts?

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**From:** Harry Campbell [mailto:HCampbell@cbf.org]  
**Sent:** Tuesday, June 25, 2013 11:08 PM  
**To:** 'Jan Jarrett'; Mike Helfrick; [guy@lowsusriverkeeper.org](mailto:guy@lowsusriverkeeper.org); Kim Snell-Zarcone; Andy Loza; [ahearth@pagrowinggreener.org](mailto:ahearth@pagrowinggreener.org); Dave Masur; Josh McNeil; [stroman@pennfuture.org](mailto:stroman@pennfuture.org); Lee Ann Murray  
**Cc:** Pat Stuntz; Verna Harrison; Hank Zygmunt  
**Subject:** RE: bion bill moving

Folks,

I just wanted to provide an update of sorts on Pennsylvania Senate Bill 994 and the PA office of CBFs involvement. And, more importantly, to ask you to contemplate how or if you can weigh in on the matter if you have not done so already. As currently written we do not support SB 994.

As you may know, Senate Bill 994 passed the Senate Agriculture and Rural Affairs Committee earlier this month. This bill would create a “competitive bidding process” for achieving what has been described by its main promoters (BION) as the unmet nitrogen load to the Bay due to PA’s lack of progress in implementing BMPs as described in their WIPs. Whether one agrees or not with such concept, we believe the bill suffers from a number of significant deficiencies. This includes, but is not limited to, the lack of specificity throughout, ill or un-defined new terms, the impact on meeting local TMDLs, and the use of words or terms that have regulatory origins but are not tied to current PA law or regulation. In addition, given that many of the details are promised to be worked out after passage, we are concerned about undue influence on said process and its outcomes. This is important because promoters of the bill currently cannot sell their approved credits on the existing DEP marketplace or PENNVEST auction because they cost twice as much as other credits from more traditional practices. We believe that this bill has not had the proper contemplation or discussion and have asked for, at the least, hearings on the matter. No hearings are scheduled.

We have met with the Senator Vogel and his staff on a number of occasions and, separately, with representatives of BION regarding our concerns. We remain open to continued collaborative conversations. We have also met with a large number of Senators and/or their staff regarding the current language in the bill. While at this point we don’t think the bill will come to the floor for a full vote, the concern is that it will become part of the budgetary negotiations between the Senate and House. The House, from our conversations, is not interested in SB 994. That being said, Senate leadership is pushing this bill and it’s why it’s on such a fast track.

I will not presume you wish to see our correspondence with Senators or our proposed amendment to the bill; hence I won’t attach them. If you do, we can share that information. However, I do wish to let folks aware of BION’s public efforts. See their latest press release below. It is unfortunate that they have explicitly targeted CBF publicly and calling into question our integrity. We have never named them in any public discussions regarding this bill nor called their integrity into question.

If you wish to discuss anything in particular, please feel free to contact me or Lee Ann Murray ([LAMurray@cbf.org](mailto:LAMurray@cbf.org)).

Many thanks,

Harry

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<http://www.streetinsider.com/Press+Releases/Senate+Bill+994%3A+Reduce+PA+Taxpayer+Costs+and+Meet+Federal+Clean+Water+Nutrient+Mandates/8448037.html>

## **Senate Bill 994: Reduce PA Taxpayer Costs and Meet Federal Clean Water Nutrient Mandates**

June 25, 2013 3:43 PM

### ***Legislative Efforts Already Supported by Environmental Agencies***

MANHEIM, Pa.--([BUSINESS WIRE](#))-- On Friday, June 21, the *PA Environment Digest* posted the Chesapeake Bay Foundation's (CBF) letter to all PA Senate members with the headline: "EPA Will Not OK Nutrient Reductions From Manure Treatment Tech Under SB 994." This statement is not only misleading, but irrelevant to implementation of the Major Watershed Improvement Program set forth in Senate Bill 994.

**It's important to note that the Pennsylvania Department of Environmental Protection, the U.S. Environmental Protection Agency, and the Pennsylvania Senate Agriculture and Rural Affairs Committee are supportive of the program proposed in SB 994.**

As it relates to SB 994, the Environmental Protection Agency (EPA) has no regulation, guidance or policy to approve or disapprove any manure technologies and their ability to remove nutrients. And even if they did, the proposed legislation is not exclusive to that form of removal. CBF is clearly trying to create confusion and misunderstanding with underhanded and misleading tactics.

SB 994 is designed to reduce the [costs](#) of verified nutrient reduction regardless of source (row crops, livestock, and waste water treatment) or practice (technology, BMPs). SB 994's specific criteria are that nutrient reductions be verified and approved by PA DEP. That is the Commonwealth's responsibility, through its DEP, and not the EPA's.

CBF claims to support projects that are working to reduce nutrients and that are lower cost than current practices. If that were truly the case, their opposition to SB 994 makes no logical sense. Instead of pursuing their mission to improve water quality, CBF has released a torrent of reasons to oppose SB 994, designed to confuse what is a very clear issue. The Coalition for an Affordable Bay Solution (CABS) recently posted on its website a [point-by-point response](#) to CBF's list of opposition arguments.

**The basic premise of SB 994 remains simple: Pennsylvania's existing level of verified nutrient reduction costs are economically unsustainable and, absent an affordable solution, the state will default on its federally mandated obligations.** The PA Senate's own Legislative Budget and Finance Committee projected that a competitive bidding program for verified nutrients could save as much as 80% of projected existing [costs](#).

**CABS urges the PA Legislature to come together in these last few days before recess and bring SB 994 to a vote. SB 994 has broad public support. The Pennsylvania Senate Agriculture and Rural Affairs Committee has voted overwhelmingly to move the bill to a vote. Failure to do so will result in continued financial burden on PA taxpayers and could lead to a default on Chesapeake Bay EPA nutrient mandates in water year 2015.**

There is no controversy surrounding SB 994, only the cries from CBF which has a vested interest to maintain their access to and control over PA taxpayer funds to the detriment of state residents, clean water, and natural habitat/fresh water recreational activities of Pennsylvania.

For more information on Coalition for an Affordable Bay Solution, as well as a list of founding members and supporters, please visit [www.AffordableBaySolutions.org](http://www.AffordableBaySolutions.org).

for Coalition for an Affordable Bay Solution Laura Koster, 610-254-7432 [lkoster@btcmarketing.com](mailto:lkoster@btcmarketing.com)

Source: Coalition for an Affordable Bay Solution (CABS)

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**From:** Jan Jarrett [[mailto:](#) (b) (6)]

**Sent:** Wednesday, June 12, 2013 4:35 PM

**To:** Mike Helfrick; [guy@lowsusriverkeeper.org](mailto:guy@lowsusriverkeeper.org); Kim Snell-Zarcone; Andy Loza; [aheath@pagrowinggreener.org](mailto:aheath@pagrowinggreener.org); Dave Masur; Josh McNeil; [stroman@pennfuture.org](mailto:stroman@pennfuture.org); Lee Ann Murray; Harry Campbell

**Cc:** Pat Stuntz; Verna Harrison; Hank Zygmunt

**Subject:** bion bill moving

As most of you know SB 994, the bion bill, moved out of committee yesterday on a party line vote. There were amendments that attempt to address our concerns, particularly the funding concerns, but I do not believe that they do that. I'm thinking that the "currently appropriated" language is meaningless because the general assembly appropriates funding each year - so there would still be a fight each year to keep them from appropriating away money from any pot we care about. To do what we want, I think they'd have to name the pots of money that are off limits, i.e. Growing Greener, Keystone, etc.. Let me know if I'm wrong about that.

CBF has a great action alert out about it -

[http://takeaction.cbf.org/p/dia/action3/common/public/?action\\_KEY=11183](http://takeaction.cbf.org/p/dia/action3/common/public/?action_KEY=11183)

*Jan Jarrett*

*Read my blog at [jjadhoc.blogspot.com](http://jjadhoc.blogspot.com)*

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**From:** Verna Harrison <VHarrison@campbellfoundation.org>  
**Sent:** Monday, July 08, 2013 7:35 AM  
**To:** Corbin, Jeffrey  
**Subject:** Automatic reply: Nitrate levels in Iowa

I will be out of the office from 7/1-7/8 and will have limited access to cell and internet service. Should you need immediate attention, please call the office at 410-990-0900 for assistance.

Thank you,  
Verna